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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pasternak et al.
Serial No. : 09/975,812
For : TOPICAL ANESTHETIC/OPIOID
FORMULATIONS AND USES THEREOF
Filed : October 11, 2001
Examiner : M. Bahar
Art Unit : 1617

745 Fifth Avenue.
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 10, 2002.

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ORIGINALLY FILED**

William F. Lawrence 28,029
Name of Applicant, Assignee or Registered Representative

Signature

Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

This is in response to the December 10, 2001 Office Action, requiring election between Groups I and II. Group I, drawn to a method of providing topical analgesia employing two agents and including claims 11-26, is elected with traverse. The elected species of anesthetic is lidocaine and the elected species of analgesic is morphine. The election of species is also traversed, and made with the understanding that the generic claims will be searched once the species is otherwise determined to be patentable.

REMARKS

Applicants respectfully request reconsideration and withdraw of the restriction requirement. Groups I and II share common elements and therefore common modes of operation (e.g., a topical method of producing an antinociceptive response using at least one opioid